

REMARKS**Status of Claims:**

Claims 12 and 14-24 are pending in the application. Each claim defines an invention that is novel and unobvious over the cited art. Favorable consideration of this case is respectfully requested.

Disclosure Supporting the Instant Amendment:

Claim 12 is hereby amended to recite: "and the absence of nonionic detergents." Support for this recitation was present in the original disclosure at, for example, page 6, lines 2-24.

Rejection Under 35 U.S.C. § 103(a):

Claims 12 and 14-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakata (5,538,893) in view of Hamaguchi et al. (5,389,549).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*. All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*. (MPEP § 2143.03). When evaluating the scope of a claim, every limitation in the claim must be considered. See e.g. *In re Ochiai*. (MPEP § 2144.08). The evidentiary record fails to teach each limitation of the present invention. Specifically, the cited references fail to teach the absence of nonionic detergents.

The present invention, as recited in amended claim 12, further comprises the absence of nonionic detergents. Each of Sakai and Hamaguchi teaches nonionic detergents. Sakai claims "at least one nonionic surfactant...[and] at least one cationic surfactant." (Claim 1). Moreover, Sakai teaches that it is inappropriate to use either an ionorganic surfactant or a cationic surfactant (detergent) individually. ("However, when a cationic surfactant or nonionic surfactant is individually reacted with leucocytes, nuclei of cells can not be selectively made naked.") (Column 7, lines 50-53). Therefore, Sakai teaches away from the present invention that claims a cationic surfactant and the absence of a nonionic surfactant. Hamaguchi claims anionic and nonionic surfactants (Claim 1).

Moreover, Sakata further teaches away from the present invention. Sakata teaches that the pH must be in the range from 2.5 to 4.0 and preferably from 3.0 to 4.0 (Column 5, lines 25-27). Whereas the present invention teaches a pH of 2.4 (claim 14), Sakata teaches that such low pH is to be avoided because a pH below 2.5 causes the nuclei of immature granulocytes to become bared. (Column 5, lines 27-29). Teaching away from the invention is a *per se* demonstration of nonobviousness. U.S. v. Adams, 338 U.S. 39, 148 U.S.P.Q. 479 (1966).

Conclusion:

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



John A. Evans, Reg. No. 44,100
Connolly Bove Lodge & Hutz LLP
1990 M Street, N.W.
Washington, D.C. 20036-3425
Telephone: 202-331-7111

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